

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
09-CA-283858	10/1/2021

INSTRUCTIONS

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Wilberforce University		b. Number of workers employed
c. Address (street, city, state, ZIP code) 1055 N Bickett Road, P.O. Box 1001, Wilberforce, OH 45384	d. Employer Representative Elfred Anthony Pinkard President	e. Telephone No. (937) 376-2911
f. Type of Establishment (factory, mine, wholesaler, etc.) Private University	g. Identify principal product or service Education	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>Within the past 6 months, the above-named employer prohibited employees from engaging in protected, concerted activities by informing them that they cannot engage in activities for the purpose of collective bargaining or other mutual aid or protection.</p> <p>Within the past 6 months, the above-named employer failed and refused to bargain with the Union by withdrawing recognition of the Union as the collective bargaining representative of its employees.</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Wilberforce University Faculty Association		
4a. Address (street and number, city, state and ZIP code) 1055 N. Bickett Road, Wilberforce, OH 45384	4b. Telephone No. 937-708-5658	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization.)		

6. DECLARATION

I declare that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

Title (b) (6), (b) (7)(C)

Address (b) (6), (b) (7)(C)

Telephone No. (b) (6), (b) (7)(C)

Date Oct. 1, 2021

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT
(U.S. CODE, TITLE 18, SECTION 1001)

Inquiry ID # (b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3-111
CINCINNATI, OH 45202-3271

Agency Website: www.nlr.gov
Telephone: (513)684-3686
Fax: (513)684-3946



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October 4, 2021

Elfred Anthony Pinkard, President
Wilberforce University
1055 N Bickett Road, PO Box 1001
Wilberforce, OH 45384

Re: WILBERFORCE UNIVERSITY
Case 09-CA-283858

Dear Mr. Pinkard:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DANIEL GOODE whose telephone number is (513)684-3678. If this Board agent is not available, you may contact Supervisory Attorney ERIC A. TAYLOR whose telephone number is (513)684-3659.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

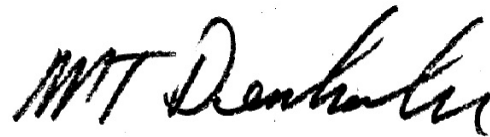
If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "MT Denholm".

Matthew T. Denholm
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME WILBERFORCE UNIVERSITY	CASE NUMBER 09-CA-283858
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WILBERFORCE UNIVERSITY

Charged Party

and

**WILBERFORCE UNIVERSITY FACULTY
ASSOCIATION**

Charging Party

Case 09-CA-283858

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 4, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Elfred Anthony Pinkard, President
Wilberforce University
1055 N Bickett Road, PO Box 1001
Wilberforce, OH 45384

October 4, 2021

Date

L. Hellrung, Designated Agent of NLRB

Name

/s/ Laura K. Hellrung

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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Agency Website: www.nlr.gov
Telephone: (513)684-3686
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Mobile App

October 4, 2021

(b) (6), (b) (7)(C)

Wilberforce University Faculty Association
1055 N Bickett Rd
Wilberforce, OH 45384

Re: WILBERFORCE UNIVERSITY
Case 09-CA-283858

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on October 01, 2021 has been docketed as case number 09-CA-283858. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DANIEL GOODE whose telephone number is (513)684-3678. If this Board agent is not available, you may contact Supervisory Attorney ERIC A. TAYLOR whose telephone number is (513)684-3659.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "MT Denholm". The signature is fluid and cursive, with the initials "MT" being prominent at the beginning.

Matthew T. Denholm
Regional Director

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

WILBERFORCE UNIVERSITY

and

Case 09-CA-283858

WILBERFORCE UNIVERSITY FACULTY
ASSOCIATION

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Wilberforce University Faculty Association (WUFA). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Wilberforce University (Respondent) has violated the Act as described below.

1. The charge in this proceeding was filed by WUFA on October 1, 2021, and a copy was served on Respondent by U.S. mail on October 4, 2021.

2. (a) At all material times, Respondent has been an Ohio non-profit corporation with an office and place of business in Wilberforce, Ohio (Respondent's facility), and has been operating a private non-profit university providing both undergraduate and graduate study programs.

(b) In conducting its operations during the 12-month period ending July 15, 2022, Respondent, in conducting its business operations described above in paragraph 2(a), derived gross revenues in excess of \$1,000,000.

(c) During the same time period described above in paragraph 2(b), Respondent purchased and received at Respondent's facility goods valued in excess of \$5,000 directly from points outside the State of Ohio.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. At all material times, WUFA has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

5. (a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time faculty members with the rank of Instructor, Assistant Professor, Associate Professor and Professor, and professional librarians, excluding all office clerical employees, part-time faculty, visiting faculty, tutors, directors of nonacademic departments, Assistant and Associate Deans and/or Vice Presidents, Deans, the Vice Presidents, the Provost, the Assistants to the President, the President, Division Deans, Library Director, Director of Cooperative Education, Chaplain, and all other employees and all supervisors, except those specified as included above.

(b) Since at least September 1, 2007, and at all material times, Respondent has recognized WUFA as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which was effective from September 1, 2007 through August 31, 2010, and which by its terms automatically renewed for successive 12-month periods and remained in effect at all material times.

(c) At all times since September 1, 2007, based on Section 9(a) of the Act, WUFA has been the exclusive collective-bargaining representative of the Unit.

6. About September 1, 2021, Respondent withdrew its recognition of WUFA as the exclusive collective-bargaining representative of the Unit.

7. By the conduct described above in paragraph 6, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

8. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraph 6, the General Counsel seeks an Order requiring Respondent to: (1) immediately recognize and bargain with the Union as the exclusive collective-bargaining representative of employees in the Unit; (2) at the Union's discretion and upon its request, rescind any or all of the unilateral changes in terms and conditions of employment made since the withdrawal of recognition on September 1, 2021; (3) upon request of the Union, restore the status quo as it existed prior to September 1, 2021, including, but not limited to, resuming the processing of any grievances that arose under the collective bargaining agreement and forfeiting any timeliness or other procedural defenses to grievances that otherwise would have been proper but for Respondent's unfair labor practices alleged in paragraph 6; and (4) make Unit employees whole for any losses that occurred as the result of Respondent's imposition of any unilateral changes since the withdrawal of recognition described in paragraph 6.

In addition, as part of the remedy for the unfair labor practices alleged above in paragraph 6, the General Counsel seeks an Order requiring that at a meeting, or meetings, scheduled to ensure the widest possible attendance, a representative of Respondent read the notice to the employees in English on worktime in the presence of a Board agent. Alternatively, the General Counsel

seeks an order requiring that Respondent promptly have a Board agent read the notice to employees during work time in the presence of Respondent's supervisors and agents identified above in paragraph 4.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before August 12, 2022**. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a

pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT commencing on **October 18, 2022, 9 a.m.** at **Room 3-111, John Weld Peck Federal Building, 550 Main Street, Cincinnati, Ohio**, or in a manner (including via video conference technology) or at a location otherwise ordered by the Administrative Law Judge, and continuing thereafter until conclusion, a hearing will be conducted before an administrative law judge of the Board on the allegations in this complaint, at which time and place any party within the meaning of Section 102.8 of the Board's Rules and Regulations will have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: July 29, 2022



Matthew T. Denholm, Regional Director
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Building
550 Main Street
Cincinnati, OH 45202-3271

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 09-CA-283858

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Elfred Anthony Pinkard, President, Wilberforce University, 1055 N Bickett Road,
PO Box 1001, Wilberforce, OH 45384

Jyllian R. Bradshaw, Attorney, One South Main Street, Suite 1600, Dayton, OH 45402

(b) (6), (b) (7)(C) [REDACTED] Wilberforce University Faculty Association,
1055 N Bickett Rd, Wilberforce, OH 45384

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.

- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.
- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Wilberforce University
and
Wilberforce University Faculty Association

CASE 09-CA-283858

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Wilberforce University Faculty Association

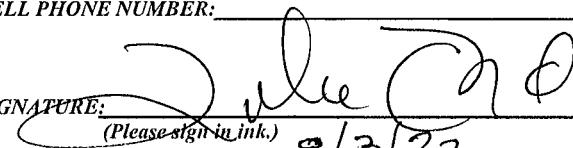
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Julie C. Ford	
MAILING ADDRESS: Doll, Jansen & Ford, 111 W. First St., Suite 1100, Dayton, OH 45402-1156	
E-MAIL ADDRESS: jford@djflawfirm.com	
OFFICE TELEPHONE NUMBER: (937) 461-5310	
CELL PHONE NUMBER:	FAX: (937) 461-7219
SIGNATURE: 	
DATE: 8/3/22	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS
BOARD REGION 9

WILBERFORCE UNIVERSITY

and

Case 09-CA-283858

WILBERFORCE UNIVERSITY FACULTY
ASSOCIATION

ANSWER

Respondent Wilberforce University (“Wilberforce”), by their undersigned attorneys, for their Answer to the Complaint and Notice of Hearing (“Complaint”) filed by the Regional Director, Region 9, of the National Labor Relations Board (“NLRB”), states as follows:

GENERAL DENIAL

Except as otherwise expressly stated herein, Wilberforce denies each and every allegation contained in the Complaint, including, without limitation, any allegations contained in the headings or subheadings of the Complaint, and Wilberforce specifically denies that it violated the National Labor Relations Act (“NLRA”) in any of the manners alleged in the Complaint or in any other manner. Pursuant to Section 102.20 of the Board’s rules, averments in the Complaint to which no responsive pleading is required shall be deemed as denied. Wilberforce expressly reserves the right to seek to amend and/or supplement its Answer as may be necessary.

DEFENSES

Without conceding jurisdiction, and without assuming any burden of proof, persuasion, or production not otherwise legally assigned to it as to any element of the claims alleged in the Complaint, Wilberforce asserts the following defenses.

1. The NLRB lacks appropriate jurisdiction given the authority outlined in the *Bethany College* decision (*Bethany College and Thomas Jorsch and Lisa Guinn./Cases 14–CA–201546*

and 14–CA–201584/June 10, 2020).

2. The Complaint and each purported claim for relief stated therein fail to allege facts sufficient to state a claim upon which relief can be granted.

3. The remedies requested in Paragraph 9 (2)-(4) are moot because Union members of the Wilberforce University Faculty Association (“WUFA”) have experienced no change in the terms and conditions of their employment and have suffered no losses since September 1, 2021.

RESPONSE TO SPECIFIC ALLEGATIONS OF THE COMPLAINT

AND NOW, incorporating the foregoing, Wilberforce states as follows in response to the specific allegations of the Complaint:

1. Wilberforce lacks information and knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 of the Complaint, and therefore denies said allegations.

2. (a) In response to the allegations in Paragraph 2(a), Wilberforce admits that they are a private, non-profit university located at 1055 North Bickett Road, Wilberforce OH 45384 and further state that they are a religiously-affiliated institution, as evidenced by its historical incorporation with the African Methodist Episcopal Church.

(b) Wilberforce denies the allegations in Paragraph 2(b) of the Complaint.

(c) Wilberforce admits the allegations contained in Paragraph 2(c) of the Complaint.

(d) Wilberforce denies the allegations in Paragraph 2(d).

3. Wilberforce denies for lack of sufficient information or knowledge to permit it to form a belief as to the truth or falsity of the allegations contained in Paragraph 3 of the Complaint, and therefore denies said allegations.

4. Wilberforce denies the allegations contained in Paragraph 4 of the Complaint.

5. (a) Wilberforce denies the allegations contained in Paragraph 5(a) of the Complaint.

(b) The allegations contained in Paragraph 5(b) state legal conclusions for which no response is required, but to the extent a response is required, Wilberforce denies the allegations in Paragraph 5(b).

(c) The allegations contained in Paragraph 5(c) state legal conclusions for which no response is required, but to the extent a response is required, Wilberforce admits the allegations contained in Paragraph 5(c) of the Complaint.

6. Wilberforce admits the allegations in Paragraph 6 of the Complaint.

7. Wilberforce denies the allegations contained in in Paragraph 7.

8. The allegations contained in Paragraph 8 state legal conclusions for which no response is required, but to the extent a response is required, Wilberforce denies the allegations in Paragraph 8.

SECOND DEFENSE

The NLRB lacks appropriate jurisdiction given the authority outlined in the *Bethany College* decision (*Bethany College and Thomas Jorsch and Lisa Guinn.*/Cases 14–CA–201546 and 14–CA–201584/June 10, 2020).

THIRD DEFENSE

WUFA's Complaint fails, in whole or in part, to state a claim upon which relief can be granted.

FOURTH DEFENSE

WUFA's Complaint is barred, in whole or in part, by the doctrines of waiver, estoppel, laches, unclean hands, and/or the applicable statute of limitations.

FIFTH DEFENSE

WUFA's Complaint is barred, in whole or in part, because WUFA has lost the support of a majority of the bargaining unit employees and/or the Respondent has a good faith doubt as to the Union's continued majority status.

SIXTH DEFENSE

Wilberforce reserves the right to raise any additional defenses not asserted herein of which it may become aware through investigation, as may be appropriate at a later time.

Respectfully submitted,



Jyllian R. Bradshaw (0088714)
Fred Pressley (0023090)
Porter, Wright, Morris & Arthur LLP
One South Main Street, Suite 1600
Dayton, OH 45402
Telephone: (937) 449-6711
Fax: (937) 449-6820
jbradshaw@porterwright.com
fpressley@porterwright.com

Attorneys for Respondent, Wilberforce University

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing *Answer and Defenses of Respondent Wilberforce University* has been filed via the Board's electronic filing system on this 12th day of August, 2022.

A copy of the filing has been provided via electronic mail to the following parties:

Matthew T. Denholm, Regional Director
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Building
550 Main Street
Cincinnati, OH 45202-3271

(b) (6), (b) (7)(C), Wilberforce University Faculty Association,
1055 N Bickett Rd, Wilberforce, OH 45384

Elfred Anthony Pinkard, President, Wilberforce University, 1055 N Bickett Road,
PO Box 1001, Wilberforce, OH 45384

/s/ Jyllian R Bradshaw
Jyllian R. Bradshaw
*Attorney for Respondent, Wilberforce
University*

(b) (6), (b) (7)(C)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS
BOARD REGION 9

WILBERFORCE UNIVERSITY

and

Case 09-CA-283858

Administrative Law Judge Gollin

WILBERFORCE UNIVERSITY FACULTY
ASSOCIATION

REQUEST FOR POSTPONEMENT OF HEARING DATE

Respondent Wilberforce University (“Wilberforce”), by their undersigned attorneys, for good and sufficient grounds, request the hearing scheduled on October 18, 2022 in the above-captioned matter be postponed and rescheduled for January 10th, 2023 or January 17th, 2023. Respondent submits the below referenced grounds in support of its request to postpone the October 18, 2022 hearing.

GROUND FOR REQUEST

The Complaint and Notice of Hearing alleges Wilberforce withdrew its recognition of WUFA as the exclusive collective bargaining representative of the unit, and by doing so, Wilberforce has been failing and refusing to bargain collectively and in good faith with WUFA.

On August 23rd, 2022, the Board of Trustees of Wilberforce University (“Board of Trustees”) met and rescinded the previous August 31, 2021 resolution that revoked the recognition of WUFA as the bargaining agent for the faculty. During a status conference with Administrative Law Judge Gollin on September 22, 2022, counsel for WUFA acknowledged receipt of the documents evidencing the Board of Trustees’ actions. By

taking action to recognize WUFA as the bargaining agent and agreeing to commence bargaining, Wilberforce has addressed the NLRB's complaint, effectively rendering it moot. Currently, the parties are actively discussing the asserted unilateral changes in terms and conditions of employment for WUFA members, and it is Wilberforce's intent to return WUFA members to the status quo. Because resolution discussions are active and ongoing, there is good and sufficient grounds to postpone the hearing. *See Atelier Condo.*, 361 N.L.R.B. 966 (N.L.R.B. November 26, 2014).

Wilberforce has requested WUFA agree to this Request for Postponement, but to date, WUFA has not provided their position on the matter. It is Wilberforce's position that to continue with a hearing on October 18th, 2022 is an inefficient use of the NLRB's and Administrative Law Judge's time and resources. As such, Wilberforce has prepared this Request for Postponement of Hearing on good and sufficient grounds as set forth above.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'JBR', with a long horizontal flourish extending to the right.

Jyllian R. Bradshaw (0088714)
Fred G. Pressley, Jr. (0023090)
Porter, Wright, Morris & Arthur LLP
One South Main Street, Suite 1600
Dayton, OH 45402
Telephone: (937) 449-6711
Fax: (937) 449-6820
jbradshaw@porterwright.com
fpressley@porterwright.com

Attorneys for Respondent, Wilberforce University

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing *Request for Postponement* has been filed via the Board's electronic filing system on this 26th day of September, 2022. A copy of the filing has been provided via electronic mail to the following parties:

Matthew T. Denholm, Regional Director
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Building
550 Main Street
Cincinnati, OH 45202-3271
matthew.denholm@nlrb.gov

Julie C. Ford, Doll, Jansen & Ford
111 West First Street, Suite 1100
Dayton, Ohio 45402-1156
jford@djflawfirm.com
Counsel for Wilberforce University Faculty Association

/s/ Jyllian R Bradshaw
Jyllian R. Bradshaw
*Attorney for Respondent, Wilberforce
University*

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 09

WILBERFORCE UNIVERSITY

and

Case 09-CA-283858

WILBERFORCE UNIVERSITY FACULTY
ASSOCIATION

**COUNSEL FOR THE GENERAL COUNSEL'S OPPOSITION TO RESPONDENT'S
REQUEST FOR POSTPONEMENT OF THE HEARING DATE**

On July 29, 2022,^{1/} a Complaint and Notice of Hearing (“complaint”) issued in the above-referenced case, alleging Wilberforce University (“Respondent”) violated the Act by withdrawing recognition of Wilberforce University Faculty Association (“WUFA”) as the exclusive collective-bargaining representative of certain employees of Respondent effective September 1, 2021. The hearing is currently scheduled to commence on October 18. On September 26, Respondent filed a request for postponement of the hearing date. In support of its request, Respondent states that it as of August 23, 2022, has rescinded the withdrawal of recognition and re-recognized WUFA, and it is working with WUFA to determine the extent of any potential unilateral changes with the intent of returning bargaining unit members to the status quo. For the reasons that follow, Respondent’s request should be denied.

While Respondent’s rescission of its withdrawal of recognition and re-recognition of WUFA is an important step towards resolving this matter, there are several outstanding pieces that remain unresolved. As Respondent notes, identifying and remedying any unilateral changes that occurred during the time that Respondent withdrew recognition is critical to re-establishing the status quo. Although discussions on this point are ongoing, the parties have yet to agree on what,

^{1/} Hereinafter all dates occurred in 2022, unless otherwise noted.

if any, unilateral changes took place, and whether Respondent will agree to remedy those changes. Additionally, the parties have yet to discuss the mechanics of a potential settlement in this case, i.e. whether Respondent will agree to an informal Board settlement agreement and the terms encompassed therein. Such a settlement may include not merely a return to the status quo, but remedies including increased wages, benefits, and other enhanced terms and conditions of employment as a result of Respondent's lengthy withdrawal of recognition and bargaining. Accordingly, the parties are not particularly close to settlement, and postponement is not warranted on that basis.

The hearing in this matter can be avoided if Respondent is willing to enter into a settlement agreement. The affirmative remedial actions Respondent must take to remedy the allegations of the complaint include recognizing WUFA, rescinding, at WUFA's request, any unilateral changes made while Respondent did not recognize WUFA, and making bargaining unit employees whole as a result of the unilateral changes. Respondent has already recognized WUFA, and has committed to bargaining with WUFA and returning bargaining unit employees to the status quo. If Respondent is willing to memorialize its commitment by agreeing to an informal Board settlement agreement, the hearing can be avoided. However, a 3-month postponement is not necessary, or warranted, for the parties to determine whether they can reach agreement as discussed above. The General Counsel objects particularly to the lengthy nature of Respondent's postponement request, which cannot be justified in view of the already substantial undermining of WUFA as bargaining representative over a period of nearly a year from withdrawal of recognition to Respondent's decision to re-recognize WUFA. Should settlement negotiations fall through, this matter must be heard on October 18.

For the foregoing reasons, it is respectfully requested that Respondent's request for postponement be denied.

Dated: October 5, 2022

/s/ Daniel A. Goode

Daniel A. Goode, Counsel for the General Counsel
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Bldg.
550 Main Street
Cincinnati, OH 45202-3271

CERTIFICATE OF SERVICE

October 5, 2022

I hereby certify that on this date I served Counsel for the General Counsel's Opposition to Respondent's Request for Postponement of the Hearing Date on the following parties by electronic mail:

Jyllian R. Bradshaw, Attorney
One South Main Street Suite 1600
Dayton, OH 45402
Email: jbradshaw@porterwright.com

Julie C. Ford, Attorney
Doll, Jansen & Ford
111 W First St., Suite 1100
Dayton, OH 45402-1156
Email: jford@djflawfirm.com

/s/ Daniel A. Goode

Daniel A. Goode, Counsel for the General Counsel
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Building
550 Main Street
Cincinnati, OH 45202-3271

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS
BOARD REGION 9

WILBERFORCE UNIVERSITY

and

Case 09-CA-283858

Administrative Law Judge Gollin

WILBERFORCE UNIVERSITY FACULTY
ASSOCIATION

**RESPONDENT'S REPLY TO COUNSEL FOR THE GENERAL COUNSEL'S
OPPOSITION TO RESPONDENT'S REQUEST FOR POSTPONEMENT OF THE
HEARING DATE**

Respondent Wilberforce University ("Wilberforce" or "University"), by their undersigned attorneys, for good and sufficient grounds, submit this response related to Counsel to the General Counsel's ("Board") opposition to postponing the hearing date assigned to this case. On September 22, 2022, the University requested that the hearing scheduled on October 18, 2022 in the above-captioned matter be postponed and rescheduled for January 10th, 2023 or January 17th, 2023. Thereafter, Wilberforce University Faculty Association ("WUFA" or "Union") notified the parties that they had no objection to the postponement of the hearing (attached hereto as Exhibit A), as resolution discussions are active and ongoing. The University submits the below referenced grounds in support of its request to postpone the October 18, 2022 hearing, and further addresses the Board's opposition to the postponement.

GROUND FOR REQUEST

The Complaint and Notice of Hearing alleges the University withdrew its recognition of WUFA as the exclusive collective bargaining representative of the unit, and by doing so,

the University has been failing and refusing to bargain collectively and in good faith with WUFA.

On August 23rd, 2022, the Board of Trustees of Wilberforce University (“Board of Trustees”) met and rescinded the previous August 31, 2021 resolution that revoked the recognition of WUFA as the bargaining agent for the faculty. During a status conference with Administrative Law Judge Gollin on September 22, 2022, counsel for WUFA acknowledged receipt of the documents evidencing the Board of Trustees’ actions. By taking action to recognize WUFA as the bargaining agent and agreeing to commence bargaining, the University has addressed the Board’s complaint, effectively rendering it moot. Currently, the parties are actively discussing the asserted unilateral changes in terms and conditions of employment for WUFA members, and it is Wilberforce’s intent to return WUFA members to the status quo. Because resolution discussions are active and ongoing, there is good and sufficient grounds to postpone the hearing. *See Atelier Condo.*, 361 N.L.R.B. 966 (N.L.R.B. November 26, 2014).

On September 30, 2022 WUFA notified the parties that they had no objection to postponing the hearing. Thereafter on that same day, Administrative Law Judge Gollin opined that “Unless the Region [had] a legitimate basis for objecting, it [could] issue an order rescheduling on its own.” *See Exhibit A.* Contrary to Judge Gollin’s suggestion, the Board filed an Opposition to Respondent’s Request for Postponement, relying on the notion that settlement discussions between the University and WUFA had not proceeded, in the Board’s mind, far enough to warrant a postponement of the hearing. Not only is there no legal basis for this notion, it is contrary to the will of both of the material parties to the case.

The Board additionally objects to what is perceived as a lengthy postponement request.

What the Board fails to appreciate is the basic nature of the material parties' business. Wilberforce is an educational institution and WUFA is a group of educators. Their calendars operate in the context of academia. Specifically, there are lengthy periods of time, particularly in November and December, that all individuals affiliated with Wilberforce and WUFA are on holiday. Thus, the request to postpone the hearing until January of 2023 is not only reasonable, it is also logical.

To suggest that Wilberforce and WUFA be held to a hearing scheduled for October 18, 2022 while amicably working toward resolution of the matter is the epitome of bureaucratic dysfunction. Counsel for WUFA has, in good faith, provided the University with a comprehensive list of alleged unilateral changes, and the University is currently drafting a response to each of those issues as the facts are gathered. Notably, some of the University's responses are simple statements of acknowledgement, agreement, and commitment to remedy the situation. The Board's opposition to Wilberforce's request for postponement certainly suggests that it is the Board's desire to impose their will upon the parties and insert themselves into the ongoing discussions, despite clear direction from both Wilberforce and WUFA that an October 18, 2022 hearing is unnecessary. There is no legal basis, either in the National Labor Relations Act or the Board's rules, that would suggest that type of imposition is appropriate. Asking Wilberforce and WUFA to engage in less than two (2) weeks of panicked resolution discussions under the threat of incurring the time and expense of a hearing is not only counterproductive, it's unreasonable.

It is Wilberforce's position that to proceed with a hearing on October 18th, 2022 is a wasteful and inefficient use of the NLRB's, the Administrative Law Judge's, and the material parties' time and resources. As such, Wilberforce restates its Request for

Postponement of Hearing on good and sufficient grounds as set forth above.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'JBR', with a long horizontal flourish extending to the right.

Jyllian R. Bradshaw (0088714)
Fred G. Pressley, Jr. (0023090)
Porter, Wright, Morris & Arthur LLP
One South Main Street, Suite 1600
Dayton, OH 45402
Telephone: (937) 449-6711
Fax: (937) 449-6820
jbradshaw@porterwright.com
fpressley@porterwright.com

Attorneys for Respondent, Wilberforce University

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing *Reply to Counsel for the General Counsel's Opposition to Respondent's Request for Postponement of the Hearing Date* has been filed via the Board's electronic filing system on this 6th day of October, 2022. A copy of the filing has been provided via electronic mail to the following parties:

Matthew T. Denholm, Regional Director
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Building
550 Main Street
Cincinnati, OH 45202-3271
matthew.denholm@nrlrb.gov

Julie C. Ford, Doll, Jansen & Ford
111 West First Street, Suite 1100
Dayton, Ohio 45402-1156
jford@djflawfirm.com
Counsel for Wilberforce University Faculty Association

Administrative Law Judge Gollin
Andrew.gollin@nrlrb.gov

/s/ Jyllian R Bradshaw
Jyllian R. Bradshaw
*Attorney for Respondent, Wilberforce
University*

Bradshaw, Jyllian R.

From: Gollin, Andrew S. <Andrew.Gollin@nlrb.gov>
Sent: Friday, September 30, 2022 3:24 PM
To: Bradshaw, Jyllian R.; 'Julie Ford'; Goode, Daniel
Cc: Pressley, Fred G. JR
Subject: RE: #EXT# RE: Wilberforce University 09-CA-283858

Counsel:

Thank you for the update. It appears the Respondent and the Union do not object to postponing the October 18 hearing to allow the parties time to effectuate settlement. Unless the Region has a legitimate basis for objecting, it can issue an order rescheduling the case on its own, without the Division of Judges needing to rule on the motion. I have been informed there several open dates available in January.

That being said, I think the parties should get the matter resolved sooner rather than later.

ASG

From: Bradshaw, Jyllian R. <JBradshaw@porterwright.com>
Sent: Friday, September 30, 2022 2:58 PM
To: 'Julie Ford' <jford@djflawfirm.com>; Goode, Daniel <Daniel.Goode@nlrb.gov>; Gollin, Andrew S. <Andrew.Gollin@nlrb.gov>
Cc: Pressley, Fred G. JR <FPressley@porterwright.com>
Subject: RE: #EXT# RE: Wilberforce University 09-CA-283858

CAUTION: The sender of this message is external to the NLRB network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to nlrbirc@nlrb.gov.

Judge Gollin, Dan, and Julie –

Thank you for the comprehensive summary of the status. We agree and look forward to continued resolution discussions.

Have a great weekend,

Jyllian

JYLLIAN R. BRADSHAW

Pronouns: she / her / hers

Porter Wright Morris & Arthur LLP
[Bio / JBradshaw@porterwright.com](mailto:JBradshaw@porterwright.com)
D: 937.449.6711 / M: 407.538.1190 / F: 937.449.6820
One South Main Street, Suite 1600 / Dayton, OH 45402
Blog: <https://www.employerlawreport.com>

/ MANSFIELD CERTIFIED PLUS

From: Julie Ford <jford@djflawfirm.com>
Sent: Friday, September 30, 2022 2:43 PM
To: 'Goode, Daniel' <Daniel.Goode@nlrb.gov>; 'Gollin, Andrew S.' <Andrew.Gollin@nlrb.gov>
Cc: Bradshaw, Jyllian R. <JBradshaw@porterwright.com>; Pressley, Fred G. JR <FPressley@porterwright.com>
Subject: #EXT# RE: Wilberforce University 09-CA-283858

#External Email#

Dear Judge Gollin ~

Mr. Goode's statement of the situation is accurate, and the WUFA as the Charging Party does not object to the request for an extension.

Julie Ford

From: Goode, Daniel <Daniel.Goode@nlrb.gov>
Sent: Friday, September 30, 2022 2:22 PM
To: Gollin, Andrew S. <Andrew.Gollin@nlrb.gov>
Cc: jford@djflawfirm.com; Bradshaw, Jyllian R. <JBradshaw@porterwright.com>; Pressley, Fred G. JR <FPressley@porterwright.com>
Subject: Wilberforce University 09-CA-283858

Judge Gollin:

On Monday, the University filed with the Regional Director a request for postponement seeking for a continuance through January 2023. With the request being filed close to the 21st day prior to hearing, the Region is working to refer that request to the Division of Judges for ruling.

Additionally, settlement discussions are still on going. As background, WUFA provided the University with a list of unilateral changes it believed needed to be remedied, and the University sought clarification from WUFA regarding support for WUFA's claims that the changes were made and/or need to be remedied. Yesterday WUFA provided the University with that support. I anticipate settlement discussions will continue into next week, but will let the University or WUFA chime in if either has a different view.

Please let me know if I can answer any questions.

Thank you,

Dan

Daniel Goode
Field Attorney
National Labor Relations Board, Region 9
550 Main Street, Room 3-111
Cincinnati, OH 45202
(513) 684-3678 (direct line)
(513) 684-3946 (fax)
Daniel.goode@nlrb.gov

This message may be protected by the attorney-client privilege. If you believe that it has been sent to you in error, do not read, print or forward it. Please reply to the sender that you have received the message in error. Then delete it. Thank you.

END OF NOTICE

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

WILBERFORCE UNIVERSITY

and

Case 09-CA-283858

WILBERFORCE UNIVERSITY FACULTY
ASSOCIATION

ORDER POSTPONING HEARING

IT IS HEREBY ORDERED that in response to the Deputy Chief Administrative Law Judge's October 6, 2022, Order granting Wilberforce University's postponement request, to which Wilberforce University Faculty Association did not object, the hearing heretofore scheduled for October 18, 2022, at 9 a.m., be, and it hereby is, postponed to **January 17, 2023**, at **9 a.m.** and continuing on consecutive days thereafter until concluded, in **Room 3-111, John Weld Peck Federal Building, 550 Main Street, Cincinnati, Ohio**. The in-person hearing designated is the default location for the hearing unless otherwise Ordered by the Administrative Law Judge to be held by Zoom (including via video conference technology) or at another location designated.

Dated: October 13, 2022

A handwritten signature in black ink, appearing to read "MT Denholm".

Matthew T. Denholm, Regional Director
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Building
550 Main Street
Cincinnati, Ohio 45202-3271